O/Limitation/51

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File No. 63/51

Legal Dept.

K **BRANCH**

Subject:— Opinion on the Indian Limitation Act

H/E

O/Limitation/51

File No. 63/51

Gen. 191 e.

C O N T E N T S.

Legal Department File No. O:Limitation/51.

Sr.No;	R.I./O.No.	Subject.	Pages.

Opinions under the Indian Limitation Act,.

	G-511 22-10-51.	Re: Recovery of excess charges obtained by a wholesaler in respect of Yorn. Whether the amount paid by the wholesaler under protest connot be disbursed till the appeal if any from the wholesaler is finally decided or till 3 years from the late of the last payment whichever is earlier.	1-6.

JPE.24/7/56.&c.

Legal Department.

As already explained in R.L.A.'s former opinion in this case, Government had no legal right to recover the amount of excess charge from Shri Mutha either by coercive measures under section 187, Land Revenue Code or by a civil suit nor had Government any legal right to compel him to refund the said amount to the weavers or to any one for their benefit. Shri Mutha has paid the amount to the Distrcit Magistrte, Satara, under protest. As the recovery of this amount by Government from Shri Mutha does not appear to be lawful, he may successfully sue Government for repayment of the said amount. The period of limitation for filing such suit against Government is 3 years from the respective dates of receipts of money by Government under article 62 of the Limitation Act (vide 42 Bom. L.R. 491 and 27 Bom.L.R. 645). In view of this it is not advisable to dispose of the amounts of Rs.3000/- and Rs.5110/8/6 till 15th November 1953 and 12th August 1954.

Another method would be to distribute the amount under Indemnity Bonds but as presumably there may be numerous retailers to whom the amount is to be distributed, it does not appear advisable to follow this course.

Id/- ...

Addditional Secretary to Government.

U.R. to S.T.C., No.G-511,

dated the 22nd October 1951.

JPE.21/7/56.
4 copies.